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August 3, 2004

**BY HAND DELIVERY**

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

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AUG - 3 2004

Federal Communications Commission  
Office of Secretary

Re: MM Docket 04-192  
RM-10966  
Request for Substitution of Channel  
KALO-DT, Honolulu, Hawaii

Dear Ms. Dortch:

Transmitted herewith, on behalf of Pacifica Broadcasting Company, permittee of KALO-DT, Honolulu, Hawaii, are an original and four copies of its "Reply Comments" in the above-referenced proceeding, which proposes to substitute digital channel \*10 for digital channel \*39 at Honolulu, Hawaii.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump  
Counsel for Pacifica Broadcasting Company

Enclosures

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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**AUG - 3 2004**

In the Matter of

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Amendment of Section 73.622(b),  
DTV Table of Allotments.  
(Honolulu, Hawaii)

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MM Docket No. 04-192  
RM-10966

Federal Communications Commission  
Office of Secretary

Directed to: Chief, Media Bureau

**REPLY COMMENTS**

Pacifica Broadcasting Company ("Pacifica"), licensee of noncommercial educational television station KALO(TV) and permittee of KALO-DT, by its attorneys, hereby respectfully submits its Reply Comments with regard to the *Notice of Proposed Rule Making* ("NPRM") in the above-captioned proceeding, DA 04-1407, released May 28, 2004, which proposes to amend the DTV Table of Allotments to substitute digital channel \*10 for the current KALO-DT allotment on Channel \*39 at Honolulu, Hawaii. With respect thereto, the following is stated:

1. In response to the *NPRM*, Hawaii Public Television Foundation d/b/a PBS Hawaii ("HPTF") submitted its "Comments Regarding Notice of Proposed Rulemaking" on July 19, 2004. The HPTF Comments expressed its concern about the proposed substitution of Channel \*10 due to HPTF's status as licensee of adjacent channel NTSC Station KHET-TV, Channel \*11, Honolulu, Oahu, Hawaii, and of co-channel NTSC station KMEB-TV, Channel \*10, Wailuku, Maui, Hawaii. HPTF's Comments, however, demonstrate nothing more than that HPTF feels concern based upon its own speculations with regard to possible increased interference to its NTSC operations. Consequently, these Comments are no impediment to a prompt grant of the

channel substitution proposed in the *NPRM*.


2. It should be noted that HPTF has not provided any engineering statement with an engineering analysis specific to the proposed channel substitution under consideration. Rather, it has provided only generalized statements of its worries. In contrast, Pacifica has submitted engineering which demonstrates that the proposed substitution complies fully with the Commission's rules and policies as they now exist. No further showing is required of Pacifica.

3. In addition, as noted by HPTF, the concerns which it has expressed relate to the operations of its analog facilities. Therefore, should any interference not predicted through use of the Commission's rules and policies actually arise, it appears that the situation would at most be a temporary one. In any event, mere speculation about possible adverse impacts cannot overcome Pacifica's specific showing of compliance with all relevant requirements. The public interest benefits set forth in the *NPRM* and Pacifica's Petition for Rule Making and Comments should not be sidetracked by hypothetical musings, no matter how interesting they may be.

WHEREFORE, the premises considered, Pacifica hereby respectfully requests that Section 73.622(b) of the Commission's Rules be amended to substitute Channel \*10 for Channel \*39c at Honolulu, Hawaii, and that Channel \*10 be assigned to KALO-DT.

Respectfully submitted,

PACIFICA BROADCASTING COMPANY

By:   
Harry F. Cole  
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August 3, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing reply comments was served by first class mail, postage prepaid, this 3<sup>rd</sup> date of August 2004, on the following:

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Cheryl Gunnells